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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/763,335	10/15/2001	Y. Tom Tang	PF-0572 USN	5450

7590 01/26/2004

Legal Department
Incyte Genomics
3160 Porter Drive
Palo Alto, CA 94304

EXAMINER	
DAVIS, MINH TAM B	

ART UNIT	PAPER NUMBER
1642	11

DATE MAILED: 01/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/763,335	TANG ET AL.	
	Examiner	Art Unit	
	MINH-TAM DAVIS	1642	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *19 February 2003*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☐ Claim(s) _____ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☒ Claim(s) *1-20*

are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

13)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

a) ☐ The translation of the foreign language provisional application has been received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other:

DETAILED ACTION

Election/Restrictions

Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group 1, claim(s) 1-2, 15, 19, drawn to the polypeptide of SEQ ID NO:1, a fragment thereof, a variant thereof, a pharmaceutical composition comprising said polypeptide, and a method for treating a disorder associated with decreased expression or activity of the polypeptide CSIG of SEQ ID NO:1, comprising administering the polypeptide of SEQ ID NO:1, a fragment thereof or a variant thereof.

Group 2, claim(s) 1-2, 15, drawn to the polypeptide of SEQ ID NO:2, a fragment thereof, a variant thereof, and a pharmaceutical composition comprising said polypeptide.

Group 3, claims 3-6, 9-14, drawn to the polynucleotide of SEQ ID NO:3, a fragment thereof, a variant thereof, an expression vector, a host cell and a method for producing a polypeptide.

Group 4, claims 3-6, 9-14, drawn to the polynucleotide of SEQ ID NO:4, a fragment thereof, a variant thereof, an expression vector, a host cell and a method for producing a polypeptide.

Group 5, claims 7-8, drawn to a method for detecting a polynucleotide., comprising detecting a hybridization complex of the polynucleotide encoding the polypeptide of SEQ ID NO:1.

Group 6, claims 7-8, drawn to a method for detecting a polynucleotide., comprising detecting a hybridization complex of the polynucleotide encoding the polypeptide of SEQ ID NO:2.

Group 7, claims 16-18, drawn to an antibody specific for SEQ ID NO:1, an agonist or antagonist of SEQ ID NO:1, wherein the agonist or antagonist is an antibody.

Group 8, claims 17-18, drawn to an agonist or antagonist of SEQ ID NO:1, wherein the agonist or antagonist is other than an antibody.

Group 9, claims 16-18, drawn to an antibody specific for SEQ ID NO:2, an agonist or antagonist of SEQ ID NO:2, wherein the agonist or antagonist is an antibody.

Group 10, claims 17-18, drawn to an agonist or antagonist of SEQ ID NO:2, wherein the agonist or antagonist is other than an antibody.

Group 11, claim 19, drawn to a method for preventing a disorder associated with decreased expression or activity of CSIG of SEQ ID NO:1, comprising administering the polypeptide of SEQ ID NO:1, a fragment thereof or a variant thereof.

Group 12, claim 19, drawn to a method for treating a disorder associated with decreased expression or activity of CSIG of SEQ ID NO:2, comprising administering the polypeptide of SEQ ID NO:2, a fragment thereof or a variant thereof.

Group 13, claim 19, drawn to a method for preventing a disorder associated with decreased expression or activity of CSIG of SEQ ID NO:2, comprising administering the polypeptide of SEQ ID NO:2, a fragment thereof or a variant thereof.

Group 14, claim 20, drawn to a method for treating a disorder associated with increased expression or activity of CSIG of SEQ ID NO:1, comprising administering an antagonist of the polypeptide of SEQ ID NO:1, a fragment thereof or a variant thereof.

Group 15, claim 20, drawn to a method for preventing a disorder associated with increased expression or activity of CSIG of SEQ ID NO:1, comprising administering an antagonist of the polypeptide of SEQ ID NO:1, a fragment thereof or a variant thereof.

Group 16, claim 20, drawn to a method for treating a disorder associated with increased expression or activity of CSIG of SEQ ID NO:2, comprising administering an antagonist of the polypeptide of SEQ ID NO:2, a fragment thereof or a variant thereof.

Group 17, claim 20, drawn to a method for preventing a disorder associated with increased expression or activity of CSIG of SEQ ID NO:2, comprising administering an antagonist of the polypeptide of SEQ ID NO:2, a fragment thereof or a variant thereof.

The inventions listed as Groups 1-17 do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons:

A national stage application shall relate to one invention only or to a group of inventions so linked as to form a single general inventive concept. When claims to different categories are present in the application, the claims will be considered to have unity of invention if the claims are drawn only to one of the following combinations of

categories: (1) A product and a process specially adapted for the manufacture of said product; or (2) A product and a process of use of said product; or (3) A product, a process specially adapted for the manufacture of the said product, and a use of the said product; or (4) A process and an apparatus or means specifically designed for carrying out the said process; or (5) A product, a process specially adapted for the manufacture of the said product, and an apparatus or means specifically designed for carrying out the said process. If multiple products, processes of manufacture or uses are claimed, the first invention of the category first mentioned in the claims of the application will be considered as the main invention in the claims, see PCT article 17(3) (a) and 1.476 (c), 37 C.F.R. 1.475(b) and (d). Group I will be the main invention. After that, all other products and methods will be broken out as separate groups (see 37 CFR 1.475(d).)

Group 1, claims 1-2, 15, 19 form a single general inventive concept.

Groups 2-4, 7-10 are not linked to the single general inventive concept of Group 1, because the polypeptide of SEQ ID NO:2 of group 2, the polynucleotides of groups 3-4, and the antibody, agonist or antagonist of groups 7-10 do not share a common structure with the polypeptide of SEQ ID NO:1 of group 1.

Groups 5-6 are not linked to the single general inventive concept of Group 1, because the method of groups 5-6 comprise detecting hybridization complex of the polynucleotide encoding SEQ ID NO:1 and 2, respectively, which do not share the same or common structure as the polypeptide of SEQ ID NO:1.

Group 11 is an additional use of the polypeptide of SEQ ID NO:1.

Groups 12-17 are not linked to the single general inventive concept of Group 1, because the methods of groups 12-17 comprise administrating the polypeptide of SEQ ID NO:2 or antagonists of the polypeptide of SEQ ID NO:1 or 2, which do not share a common structure as the polypeptide of SEQ ID NO:1 of group 1.

Because these inventions are distinct for the reasons given above, restriction for examination purposes as indicated is proper.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MINH-TAM DAVIS whose telephone number is 703-305-2008. The examiner can normally be reached on 9:30AM-4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, ANTHONY CAPUTA can be reached on 703-308-3995. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0916.

MINH TAM DAVIS

PATENT EXAMINER

December 29, 2003